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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,646	01/07/2000	BILL J. BONNSTETTER	P03773US1	3342
7590	06/29/2005		EXAMINER	
MARK D HANSING ZARLEY MCKEE THOMTE VOORHEES & SEASE 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 503092721			JEANTY, ROMAIN	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/479,646	BONNSTETTER ET AL.
	Examiner Romain Jeanty	Art Unit 3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7, 9, 10, 12-14 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7, 9-10, 12-14, and 21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 19, 2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7, 9-10, 12-14, and 21 have been considered but are moot in view of the new ground(s) of rejection. 1-7, 9-10, 12-14, and 21

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the specific job". There is insufficient antecedent basis for this limitation in the claim.

Claims 7, 9-10, 12-14 depend from independent claim 1; therefore are rejected under the same rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 9-10, 12-14, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Taub (U.S. Patent No. 6341267) in view of Barney et al (U.S. Patent No. 6,070,143).

As per claims 1, 6-7, 9-10, 12-14, and 21, Taub discloses a method for evaluating and matching individual's behavior capabilities. In so doing, Taub discloses:

- (a) defining a set of observable behavioral characteristics relevant to performance in jobs (col. 7, lines 46-56);
- (c) defining the job "task" based on said surveying to provide a set of defined job characteristics for the specific job (col. 8, lines 37-41);
- (d) preparing a computerized report of the set of defined job characteristics (col. lines (col. 14, lines 1-17)
- (e) surveying an applicant regarding said job to ascertain how said applicant demonstrates said set of defined job characteristics (col. 13, lines 13-18); and reporting a computerized comparison of potential performance of the applicant based upon demonstration of said defined job characteristics (i.e, comparing the behavioral requirements of the user) (col. 16, lines 25-30).

Step (b), Taub does not expressly disclose surveying a set of subject experts having experience to the job to ascertain how said characteristics relate to the job. Barney in the same field of endeavor discloses the concept of surveying a subject matter expert (col. 6, lines 40-54). It would have been obvious to person of ordinary skill in the art at the time the invention was made to modify the disclosures of Taub to include surveying a subject matter expert as evidenced by Barney with the motivation to assess work requirements relating to specific jobs.

As per claims 2, and 5 Taub further discloses wherein the characteristics are related to behaviors (col. 5, lines 45).

As per claim 3, Taub further discloses wherein the characteristics are related to attitudes (col. 10, line 54).

As per claim 4, Taub further discloses wherein the characteristics are related to behaviors and attitudes. See rejection of claims 2 and 3 above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 25, 2005



Romain Jeanty
Primary Examiner
Art Unit 3623